

TOWNE BUILDING REUSE PROPOSAL
MULTI-FAMILY HOUSING
Acton Community Housing Corporation
February 2002

The members of ACHC have developed the following concept and submitted it to the Massachusetts Housing Partnership Fund to be used as a guideline for the feasibility study of the project. The study will proceed quickly. We are specifically calling this a "concept" because we recognize the findings in the feasibility study may dictate a different configuration of units and/or income mix. We expect to have future discussions that will fine-tune the proposal into a workable and politically viable project.

Conceptual Guidelines presented to MHP

1. Land lease arrangement with the length of the lease being a minimum of 50 years or whatever is the most economically feasible time period. The minimum required amount of land sitting under and around the Towne Building will remain under the control of the town through a land lease arrangement.
2. 100% Rental units. ACHC's recommendation is for rental units.
3. We would like the income designation to be Mixed Income using the most recent Boston median income figure of \$74,200:
 - 50% of the units designated as Affordable
 - 1/2 of those units for incomes up to 60% of median income (\$45,000)
 - 1/2 of those units for incomes up to 110% of median income (\$82,000)
 - Rents would be in the \$1000-1200/mo. range for the affordable units
 - 50% of the units to be rented at Market rates. Rents would be in the \$1900/mo. range.
4. For the Unit Mix, assuming 12 units, we would like the following:
 - 1 2 Bedroom Handicapped accessible unit
 - 2 3 Bedroom units
 - 2 1 Bedroom/Studio units
 - 7 2 Bedroom units
 - Any use of the unique spaces in the building for artist lofts or other creative options
 - If space is available, we would like to have a community room included
5. A mix of ages and family sizes for the occupants. This is not an elderly housing project.
6. Site Design
 - The building should be connected to the sewer system and betterments paid

- Parking areas should be the minimum required and should be sited in the rear of the building. We suggest the space currently occupied by the school library, to be removed.
- We wish to maximize the land area adjacent to the building for use by the schools as play areas.
- We recommend access to the building from Charter Rd.

This is the timetable for the process that we recommend.

2/21/02	ACHC send recommendations to MHP and Board of Selectmen
2/28/02	Consultant will be selected and will begin the financial feasibility, preliminary architectural and programmatic design for Phase 1 of the project.
3/21/02	Consultant will submit a preliminary report to the ACHC and the Selectmen
3/28/02	Final report will be submitted to the Town
4/1/02	Findings will be presented to Town Meeting by BoS and ACHC

MHP will submit a list of consultants to ACHC and the Town Manager for review and recommendation. The feasibility study will be at no cost to the town.

Acton Housing Authority

From: Tavernier [tavern@ma.ultranet.com]
Sent: Tuesday, February 26, 2002 12:39 PM
To: Nancy Tavernier; Kevin McManus; Betty McManus; Dan Buckley; Peter Berry; Bob Whittlesey; Ryan Bettez; Trisha Guditiz
Subject: Fwd: Acton - more on the Towne building

c.

>Date: Tue, 26 Feb 2002 10:59:36 -0500
>From: Stow Laboratories Inc <stomail@stolab.com>
>X-Mailer: Mozilla 4.7 [en] (Win98; I)
>X-Accept-Language: en
>To: "K, C" <stomail@stolab.com>
>Subject: Acton - more on the Towne building
>

>Last night, the Board of Selectmen voted to hold the Special Town
>Meeting for the Towne building demolition question on Tuesday, April
>2nd, at 7:00 PM, at the high school auditorium (where we usually hold
>town meetings). As most of you know, this issue was created by a
>citizens' petition. The selectmen simply did what they are required to
>do by our charter in response to a citizens' petition with a sufficient
>number of signatures.
>

>The BoS then voted -- unanimously -- to NOT recommend the proposed
>demolition. The school committee's vote to not recommend was also
>unanimous. Both boards deserve our thanks for their consideration of
>the impact of this proposal on the whole town. Their position will be
>helpful in defeating this proposal, but, once again, the result will
>depend on who makes it their priority to be in the high school
>auditorium on 4-2-02, at 7:00 PM.
>

>At the BoS meeting last night, as the selectmen were debating the date
>of the Towne demolition STM, the organizer of this petition, Ms. Upham,
>told the selectmen that she would prefer that they schedule it after the
>Annual Town Meeting vote on the school budgets. She said that she was
>concerned that a positive vote for the demolition may affect the vote
>for the school budgets. She should be concerned - not so much about
>the vote on the school budgets this year, but about the future support
>this town will or will not give to the substantial tax increases that
>would be needed to pay for all of the other things she and her
>supporters want.
>

>Charlie

X-Sender: jchinitz@pop.mail.yahoo.com
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Wed, 06 Mar 2002 17:28:28 -0500
To: Stow Laboratories Inc <stomail@stolab.com>
From: Jonathan Chinitz <jchinitz@yahoo.com>
Subject: Towne Building and SBAB
Cc: Robert Evans <revans@world.std.com>,
Nancy Tavernier <tavern@ma.ultranet.com>,
Peter Ashton <PKAshton@aol.com>

Charlie:

Just got off the phone with Bill Ryan, who just got off the phone with Christine Lynch, Director of SBAB. In her opinion (and one would have to say that the buck "starts" with her...) demolishing the Towne building WILL qualify for SBAB reimbursement. She did indicate that it would certainly need to be done within a "reasonable" timeframe, where reasonable would be measured in months, not necessarily weeks. So while there is a timeframe associated with this, it is not compressed to the point where it needs to be addressed within the next 2-3 weeks.

I will be waiting to hear from the MHP Consultant as soon as the feasibility study is ready. While this is happening I intend to fine-tune my numbers from last night so as to get a better handle on the financials.

Thanks for coming last night.

Jonathan

Do You Yahoo!?

Get your free @yahoo.com address at <http://mail.yahoo.com>

Acton Housing Authority

From: Tavernier [tavern@ma.ultranet.com]
Sent: Monday, March 11, 2002 9:18 AM
To: Alice Wong
Cc: Nancy Tavernier; Kevin McManus; Betty McManus; Dan Buckley; Peter Berry; Bob Whittlesey; Ryan Bettez; Trisha Guditiz
Subject: Towne building - Historic designation

Hi Alice,

Thank you and MHP for continuing to be so supportive and understanding of our efforts to be successful with the Acton Towne Building proposal. I have heard from a couple of supporters over the weekend who will be our secret weapons at town meeting and will provide extremely powerful support to the project. I personally think that if we can prevail on that, we can also prevail on the driveway/access issue. This is public property after all.

I wanted to pass on to you some new information I just received from Anne Forbes, chairman of the Historic District Commission in town. Peter Grover is the chairman of Acton Historical Commission, a different town board that does have jurisdiction over the project. Here is her report to me:

"One new piece of info. has come in that will be important for the consultant to know: according to Peter Grover, Mass. Historical Commission has just found the building to be eligible for the National Register of Historic Places. This opens up new financial possibilities that should be factored into any feasibility study. If the building is owned by a municipal or non-profit entity, NR-listing qualifies some of the work for certain preservation grants. If it is developed by a for-profit owner or long-term lessee, then a 20% tax credit is available on a certified rehab. "

She also commented on the SBAB reimbursement issue and urges you to factor in the following:

"From the historic preservation publications what come across my desk, the state looks very unfavorably on giving out funding to demolish a historic school building as part of a school expansion project. If it's OK with you, I will do some checking on this, but the MHP consultant might be asked to look into it, also."

I have asked her to research it also.

Thanks again,
Nancy

ACTON COMMUNITY HOUSING CORPORATION
P.O. BOX 681
ACTON, MA 01720
(978) 263-4776

March 12, 2002

Dear Interested First Time Homebuyers:

WE NEED YOUR SUPPORT:

The Acton Community Housing Corporation (ACHC) needs your support at the Special Town Meeting scheduled for April 2, 2002 at 7:00 PM in the auditorium of the Acton Boxborough High School. An Article will be placed before Town Meeting calling for demolition of the Towne School building instead of preserving it for Affordable Housing.

AN INVESTIGATIONAL STUDY IS UNDERWAY:

The Acton Selectmen have asked the ACHC to conduct an investigational study to determine the feasibility of whether the building can be rehabbed for Affordable Housing. Through funding provided by the Massachusetts Housing Partnership a consultant has been hired to conduct a feasibility study. The consultant's preliminary report will be reviewed at the Special Town Meeting. Enclosed is a news article along with several Letters To The Editor detailing the history of last year's Town Meeting vote **NOT** to demolish the Towne School, the Towne School Reuse Committee's efforts to explore the best possible use for the building and the ACHC's involvement with the proposed project.

ACHC'S HISTORY BEFORE TOWN MEETING:

A number of years ago the ACHC brought a proposal before Town Meeting to build eight (8) Deck homes on a parcel of Town owned land. But, the "not in my back yard" (NIMBY) factor defeated the proposal even though every Town Board and Town Committee, with the exception of the Acton Finance Committee, endorsed the proposal. The proposal's defeat was attributed to the scare tactics used by a few in the comparison of First Time Homebuyers to the stereo type image of Inner City Public Housing Tenants.

THE NYMBY ATTITUDE REAPPEARS:

The ACHC is once again witnessing the NIMBY attitude. It appears that some Town's people fear Affordable Housing and can not comprehend that moderate income families who work or rent in Town would make good neighbors.

WHAT CAN YOU DO?

Your very presence at the Special Town Meeting will support the ACHC's efforts to persuade Town Meeting **Not** to demolish the Towne School. Those arguing for the school's demolition fear Affordable Housing. The ACHC will confront those fears by stating that moderate income families currently renting or working in Acton will be conscientious property owners, taking pride in the maintenance of their homes or rental units.

OVER

HOW WILL YOUR PRESENCE HELP THE ACHC?

This is your opportunity to become proactive by speaking out for the need of Affordable Housing. Your very presence in voting to defeat the Article will support the ACHC's efforts to provide additional Affordable Housing to First Time Homebuyers who are Acton residents, Town employees, adult children of Acton residents and people who work in Acton. Your voice will help us provide Affordable Housing opportunities to the 150+ currently on the ACHC's waiting list.

TO THE SIXTEEN FIRST TIME HOMEBUYERS WHO PURCHASED THEIR HOMES UNDER THE LOCAL INITIATIVE PROGRAM (LIP)

WE NEED YOU:

You have already purchased your own homes as First Time Homebuyers, living in established neighborhoods, we need your support to show Town Meeting there is a need for Affordable Housing in Acton. Not everyone can afford \$300,000 homes. Your voice, presence and vote NOT to demolish will count.

MAKE YOUR VOICE HEARD:

Please come forward. We need your support, vote no on the Article to Demolish the Towne School. Town Meeting needs to address the need of Affordable Housing as our neighboring communities have done in Concord, Westford, Boxborough, Stow, Bedford, Harvard, Carlisle and Lincoln.

If you have any questions please feel free to contact me at (978) 263-4776.

We need your support on

April 2, 2002

7:00 PM

A/B High School Auditorium

Sincerely,



Naomi E. McManus

Clerk, ACHC

Towne school targeted for affordable housing

BY MICHAEL WYNER
STAFF WRITER

ACTON — The Board of Selectmen unanimously voted to make affordable housing its first priority for the reuse of the historic Towne building on the school campus at its meeting on Monday.

Residents voted to preserve the Towne building by a vote of

211-199 at last year's annual Town Meeting. The building originally served as the site of the first Acton High School from 1925 to 1954.

Last summer, Selectman Peter Ashton formed a committee to look at the potential reuse of the building. This committee included members of the School Committee, Finance Committee, Historical Commission, Historic Dis-

trict Commission, Acton Community Housing Corporation, and several interested citizens.

The committee ended up with two main proposals for the reuse of the building.

One of the proposals was from the Acton Community Housing Corporation to turn the Towne building into affordable housing.

Under this option, the housing corporation would be working with the Massachusetts Housing Partnership Fund, and receiving state aid to perform a feasibility study.

The Massachusetts Housing Partnership Fund is a quasi-public state agency that promotes strong neighborhoods through the development and preservation of affordable housing. They are currently involved in programs in Westford, Springfield, Brockton and Haverhill.

The other proposal in front of the committee was the possible use of the Towne building as a non-profit arts center similar to Emerson Umbrella in Concord

and the Fowler School in Maynard.

Town officials met with Jero Nesson, who has been involved in both of these projects, and toured the Fowler School.

Since that time, however, Nesson said that he would not be interested in bringing forward a proposal to create artist studios at the Towne building if it meant that his proposal would be competing with the alternative for affordable housing.

Nesson is a strong supporter of affordable housing and has been involved in such projects in the past.

In addition, Nesson was concerned if the sewer hookup costs and the landscaping costs for the building became too high.

"At this point, we are pulling back," Nesson said in an interview on Tuesday. "Artist studios would have been great, and we are not the only people who could do artist studios. So the idea is not dead. But I don't want to compete against afford-

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State race

David "Doc" Westerling of Harvard enters the race for state Representative in the new 37th District.

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War cry

Black Hawk Down tells gutsy story.

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TOWNE SCHOOL TARGETED for affordable housing

■ TOWNE, FROM PAGE 1

able housing."

As a result, the Towne building study committee recommended to the selectmen that they go forward with the option for affordable housing, which the selectmen have now done.

"This process that has been in place I think has been a good process," Selectman Walter Foster said.

Foster said that citizens who are still hoping for some other proposal for the Towne building need to express themselves now, as the feasibility study for affordable housing will soon commence.

"This process is really going down a path that most likely will result in affordable housing," Foster said. "This is the time to speak up if you do not agree with where this is headed."

Members of the Towne building study committee, and also

the Board of Selectmen, did not believe that the affordable housing proposal has to go back before Town Meeting, as the voters were clear last year in handing over the building to the selectmen to preserve it as best they could.

One exception was a School Committee representative on the Towne building committee who believed that this issue should go back to Town Meeting for another vote.

Members of the Board of Selectmen were excited about the prospects for affordable housing in the building.

"I think it's a win-win for everybody. It's a win for those people that attended school in the Towne building who want to drive by and come back and see that building in place. And it would be a win for more affordable housing in the community," Selectman Trey Shupert said.

Demonstrate commitment

Please join us this spring at Acton's annual Town Meeting for the passage of the Community Preservation Act. During the 34 years we have lived in Acton, we have seen many changes. The greatest change being the loss of affordable housing for the people who live or work in Acton.

This spring, Acton will have an opportunity to become proactive by the passage of the CPA at Town Meeting and approval at the ballot box. The CPA will enable the town to address the critical need for affordable housing and preserve our historical properties and open spaces. By passing the CPA we will join our neighboring communities of Stow, Westford, Bedford, Harvard and Carlisle who will receive state funds designated for the development of affordable housing and the preservation of historical buildings and open spaces.

The state of Massachusetts requires each municipality to strive for 10 percent of its housing stock to be "affordable." The Governor's Executive Order 418 clearly states, "Municipalities making a good faith effort to increase their supply of affordable housing

stock will be given priority when applying for state discretionary programs administered by the Executive Office of Transportation and Construction, the Executive Office of Environmental Affairs, the Department of Economic Development and the Department of Housing and Community Development (DHCD)."

In 1997, DHCD credited Acton with 144 or 2.10 percent affordable housing units out of the town's 6,891 housing stock. Based on the 2000 census, Acton's affordable units increased to 158, but Acton's percentage decreased to 2.057 percent. This decrease was due to the addition of 789 new housing units built in three years. For every new housing unit built without the addition of an

affordable unit, Acton's percentage will continue to decline. Acton must begin now to demonstrate that we are actively addressing the need to increase our supply of affordable housing for individuals and families living and working in the town. By passing the CPA we will demonstrate our sincerity and commitment to affordable housing.

Our Board of Selectmen will place a warrant article before the annual Town Meeting that proposes a surcharge to property owners of 1.5 percent with a tax exemption for the first \$100,000, a full exemption for low income residents and low/moderate income seniors. Assuming a property assessed at \$300,000, with a 1.5 percent assessment and a

\$100,000 exemption the surcharge to the property owner would be \$45 annually. The amount of surcharges the town would raise through the passage of the CPA is around \$300,000. These monies will be matched by the state with a formula dependent upon the level of participa-

tion of other cities and towns in the commonwealth.

Join us in a "yes" vote for the passage of the Community Preservation Act.

Kevin and Betty McManus

Acton Housing Authority

From: Tavernier [tavern@ma.ultranet.com]
Sent: Friday, March 15, 2002 4:45 PM
To: Nancy Tavernier; Kevin McManus; Betty McManus; Dan Buckley; Peter Berry; Bob Whittlesey; Ryan Bettez; Trisha Guditz
Subject: Fwd: TOWNE SCHOOL: MHC reply (I)

FYI, this is a staggering piece of information. We will be meeting this Thursday. I have sent the message to the town manager asking him to advise us on what to do.

Nancy

>Date: Fri, 15 Mar 2002 15:57:24 -0500 (EST)
>X-Sender: forbes@pop.ma.ultranet.com
>X-Mailer: Windows Eudora Light Version 1.5.4 (16)
>To: Tavern@ma.ultranet.com, ahal@attglobal.net
>From: Anne Forbes <forbes@ma.ultranet.com>
>Subject: TOWNE SCHOOL: MHC reply (I)
>Cc: p-jgrover@prodigy.net, tcp@mp-architects.com
>
>Nancy and Betty:
>
>On 3/9 I e-mailed Chris Skelly, Dir. of Local Govt. Programs at Mass.
>Historical Commission with a request for some background info. on
>contacts who could help with the Towne School situation, and to see
>about getting copies of the final version of that Municipal
>Preservation manual I gave you some pages from.
>
>I have not heard from him yet, but just got a call from Ann
>Lattinville, an MHC staff member who deals with project compliance with
>state and federal programs and laws.
>
>She is sending me a fistful of brochures on the tax credit, but more
>important, she is sending a copy of the MHC letter written in
>conjunction with their review of the original plans for the "twin
>school" construction. At that time, of course, demolishing the Towne
>Building was not part of the project. I believe the MHC letter found
>that the Towne Building would not be adversely affected, but warned
>that it might have historic significance, and asked that MHC receive
>updates on any changes.
>
>Now, however, the building has been found to have historic significance
>(the MHC finding of National Register eligibility makes that official)
>AND its demolition has been added to the project plans. They have
>received no notification of the change in the project.
>
>Both state law (Ch. 254) and MEPA regulations come into play in this
>situation. She said that, since SBAB funds are being used, in order to
>be in compliance with both the SBAB and MEPA regulations, MHC must (1)
>be notified of a change in the project, and (2) MHC must be afforded
>the opportunity (30
>days) to investigate whether the change will have an adverse effect on a
>historic property. If MHC makes a determination of adverse effect, then the
>SBAB, property owner, developer, etc. enter into negotiations to work out an
>MOA for the mitigation of the adverse effect.
>
>MHC works frequently with the SBAB on school projects, and she said
>that they are usually very receptive to the MHC commenting process.
>This makes the statements attributed by the School Committee to SBAB
>personnel about funding the demo. as a quick and simple change-order

>all the more suspect.

>

>When I asked her if the School Comm. might already be in violation of
>the reg.s (Town Meeting is less than 30 days away,) she suggested that,
>rather than pursuing that route, Christine Lynch of SBAB should be
>contacted directly about the situation--probably by the ACHC, perhaps
>together with MHP--I wasn't sure what the best way to go on that was.
>Christine Lynch's # is 781-338-3000, x 6520; calling the main number
>should get her e-mail address, also.

>

>Ann has offered to have the MHC Director send out a reminder letter to
>the School Committee and the SBAB about notifying MHC of the proposed
>changes to the original plans; the ACHC should probably make that
>request. Her phone at MHC is 617-727-8470. The other person to
>contact there is Taya Dixon, who works on review & compliance with Ann.
>(E-mail would be Ann.Lattinville@sec.state.ma.us, but she suggests that
>a phone call gets a quicker response. She will be glad to talk to any
>of us.)

>

>I will get the copy of MHC's initial letter to you as soon as I receive
>it. The NR eligibility letter should be received by the AHC by the end
>of the week. In the meantime, what do you think you want to do about
>this?

>

>I have copied this to both Peter Grover of the Hist. Comm., and to Tom
>Peterman of the HDC, as he is preparing some responses to the TM
>article, and as an architect has come closer to finding the type of
>mitigation solution that is looked for in those MOAs than anyone. Do
>you think I should notify Peter Ashton at this point, or wait?

>

>Anne

Acton Housing Authority

From: Anne Forbes [forbes@ma.ultranet.com]
Sent: Monday, March 18, 2002 12:45 PM
To: Tavernier
Cc: aha1@attglobal.net; p-jgrover@prodigy.net; tcp@mp-architects.com; guditiz@cs.com; aldodson377@cs.com; PKAshton@aol.com
Subject: Re: TOWNE SCHOOL: MHC reply (l)

Nancy--

Thanks for the update. According to Ann Lattinville, it is correct that the original plan on which MHC commented (in 2000, I think) did not include the demolition of the Towne School. (Nor did the project as presented to the voters in Dec. 1998. While the claim at that time that the state would not reimburse its renovation costs for school use was probably not correct, [can't remember if I gave you a fact sheet on that] at least the Special TM voted in a plan that included the retention of the building.)

I agree that there may not be a violation occurring right now, although I'd like to see the exact wording of that MHC letter. If we brought this up too strongly, the SC would undoubtedly claim that there will be no official change in plans until TM approves the demolition proposal, and that they would do all their necessary notifications once they got that endorsement. An unwieldy process, of course, but probably technically not in violation.

I also don't want to overstress the role that NR eligibility can play in protecting the building. MHC's finding of eligibility is not as strong a factor as having the building actually listed on the Register, and it could still be torn down by its owners even then. The main importance of the official eligibility opinion is in both legitimizing the building's value to the public (it makes it harder to call it just an eyesore that's in the way) and in giving MHC the right to comment and to be part of MOA negotiations. The main strength here, as we learned when MHC was involved in the reconstruction of the South Acton railroad bridge, is in the equal footing of the state agencies involved. The SBAB has to listen to the concerns of another state entity, and vice versa.

Who will be making the request for an MHC follow-up letter? Don? BoS? CHC? Historical Commission?

TOWN MEETING PREP: Is the ACHC planning on doing a fact sheet or flyer for Town Meeting? Please let us know your plans, as we could either contribute a few items to it, or come up with a complementary one that focuses on aspects other than the housing proposal.

Anne

At 10:12 AM 3/18/02 -0500, you wrote:

>Hi Anne,

>

>Peter Ashton has asked Don Johnson to notify the schools about these
>issues

>and would expect him to do that today. I personally do not think the
>original plan that went to SBAB included the demolition of Towne so
>technically there will not be a change in the plan unless town meeting
>votes to demolish. That will then trigger all these issues but with the
>newly acquired National Register protection, I think it will be next to
>impossible for SBAB, MHC, MEPA etc. to find the building needs to be
>demolished. The reason I don't think it was in the final plan was that
>those plans went to SBAB in June of whatever year it was and Dore' had
>already had one meeting of the original Reuse Committee to find a way to
>keep the building. so I don't think that would have happened if the

Acton Housing Authority

From: Tavernier [tavern@ma.ultranet.com]
Sent: Thursday, March 21, 2002 4:32 PM
To: Nancy Tavernier; Kevin McManus; Betty McManus; Dan Buckley; Peter Berry; Bob Whittlesey; Ryan Bettez; Trisha Guditz; Katrina Buck
Subject: Great News!

We are entitled to some good news after all we have been going through lately. Here it is: Town Counsel has pointed out that the Citizen's Petition to demolish the Towne School will require a 2/3's vote because of the language that transfers the building and land back to the school committee. Any land transfer requires a 2/3 vote. That means unless something really awful happens, like a feasibility study saying no way can we do this, we will prevail. What a relief. However, we must still continue to prepare should the petitioner go forward.

Peter Ashton had started negotiating with the petitioner today and she had agreed to pass over the article so long as the BoS agreed to bring the issue back to a special town meeting in the Fall when the police building will be voted. The purpose of the delay was to get answers to all the questions primarily the historic ones. I told him the historic issues were not our issues and we would not gather that information. He asked for my opinion on the deal, I told him I had to discuss it with Alice Wong and the ACHC. We were planning to call an emergency meeting for Monday AM so that we could respond to the BoS Monday night. Peter now says that is not necessary that he is going to advise Amy - No Deal. I have emailed Alice Wong with the good news.

Next week's meeting: I think that we should meet on Thursday Night at 7:30PM in Town Hall. I have requested a room and will let you know where. That way we can go over the feasibility report in detail. There may be quite a bit we need to discuss.

The Town Meeting subgroup will plan to meet Monday 3/25 at 9AM in the Acton Housing Authority living room.

Acton Housing Authority

From: Tavernier [tavern@ma.ultranet.com]
Sent: Monday, March 25, 2002 11:02 AM
To: Jonathan Chinitz
Cc: pkashton@aol.com; Jo-Ann M. Berry; achc@town.acton.ma.us
Subject: Re: Towne historic status timeline

Rather than shoot the messenger, I will let you ask the question of the Acton Historical Commission yourself. Here is their email address: hc@town.acton.ma.us

I have no knowledge of their processes and only asked that the timeline be developed so they could be ready to respond to the "charges" about conspiracy that I heard swirling around. As for checks and balances, I know that when I was on the BoS, the historical commission came into the board to have a discussion about the Towne School listing and that would have been the 1998 timeframe. They did not need to ask our permission to list a municipal building and I can't see why it would involve such a request of either the town or the fincom since no public dollars were being expended.

I am sure they will be happy to answer your questions on this issue, my issue is the affordable housing proposal.

Nancy

At 08:54 AM 3/25/02 -0500, Jonathan Chinitz wrote:

>Nancy:

>

>Thanks for the clarification. I am curious as to the "checks and
>balances"

>process in submitting a building for predetermination NR status. It is
>certainly admirable and noteworthy that we as a community maintain our
>heritage and culture, some of which is embodied in physical structures. I
>would like to know if this process also includes advice and consent from
>other boards, namely BOS and FinCom, as to the financial impact that these
>processes/decisions have on the community.

>

>Forgive me for my ignorance, but what does this status mean?

>Specifically,

>in what "state" is the Towne building right now? Thanks for your help in
>this matter.

>

>Jonathan

>

>At 07:29 AM 3/25/2002 -0500, Tavernier wrote:

>>Hi Peter, Jo-Ann and Jonathan,

>>

>>Copied below is the timeline showing the efforts of the Acton

>>Historical

>>Commission and the Mass. Historical Commission to seek National Register

>>eligibility for the Towne School. As you can see, this effort commenced

>>in 1998 when the Twin School construction planning began and only

>>culminated recently in February. This information was provided by Peter

>>Grover, chairman of the AHC.

>>

>>I hope this will put to rest any suspicions that this NR designation

>>was

>>pulled out of the air in response to the filing of the citizen's petition.

>>

>>Nancy

>>
>>
>>Early 1998 Anita Dodson speaks with Isa Zimmerman several times
>>regarding
>>demolition of the TS
>>
>>10-21-98 Addition of TS to cultural resource list by HC
>>
>>4-15-99 Anita Dodson speaks with Anne Lattinville re eligibility of
>>the
>>Towne School NR eligibility discussed at a few HC regular meetings, 1999 onward
>>
>>10-00 Shortly thereafter, a preliminary conversation with MHC
>>regarding
>>NR eligibility, and what was required for submission
>>
>>1-01 Request for predetermination. MHC asks for additional
>>documentation.
>>
>>6-01 Exterior photographs submitted. MHC then asks for interior
>>documentation
>>
>>12-01 Interior photos taken and submitted.
>>
>>2-02 Predetermination hearing rules building is eligible for NR status
>
>
>
>

>Do You Yahoo!?
>Get your free @yahoo.com address at <http://mail.yahoo.com>

Acton Housing Authority

From: Tavernier [tavern@ma.ultranet.com]
Sent: Saturday, March 30, 2002 10:08 AM
To: Nancy Tavernier; Kevin McManus; Betty McManus; Dan Buckley; Peter Berry; Bob Whittlesey; Ryan Bettez; Trisha Guditz; Katrina Buck
Cc: namoim@fiam.net
Subject: ACHC - looking for feedback



Towne school tm ATT00007.txt (59
handout.doc (3... B)

UPDATE: Betty and Kevin just called to say that yellow flyers in favor of demolition are being placed on windshields in the Roche Bros. parking lot. This may be occurring in other parts of town.

I realize some of you may not be checking your email over the weekend but will hopefully see the attached on Monday. Betty had mentioned yesterday the possibility of doing a handout for town meeting so I have been thinking about what would be effective. I have found in the past that handouts can be quite effective as a way of expanding on a presentation that must be limited by the clock. The Q/A or fact sheet format is often the easiest way to transmit a message. I am also hearing members' concerns that we are not going head-to-head on some of the open space/playground arguments being made in support of demolition and should be. So this is where I am today, early Sat. AM.

I went out with the town photographer yesterday to take panorama shots of the site, with the new school at the far left and the Towne building at the far right. It certainly should make the point of the remoteness of the Towne Building plus show how much open space there could be in between if the SC really chose to keep it open and not put a driveway on it. I will add that to the presentation and make the point about distance etc. I am reluctant to lengthen the presentation any further than necessary because I know the audience will be chomping at the bit to get started on the debate and I don't want to be an annoyance.

I am anticipating the petitioner's presentation to be the main points that we have heard and read since the petition was filed. I agree we need to counter it. I am proposing that the attached be a handout for the April 2 town meeting only, not available until that night. If we get a decent rendering from the architect on Monday, that could be copied on the back. That would prevent them from changing their presentation in response to our counterpoints. I really will have a better feel after the 3 meetings on Monday (Peter Ashton's fact finding, the Consultants and the FinCom) about whether we need to do this.

My questions for you are: is this too harsh? I want to stay on the high road. Should this actually be from ACHC, there is no legal reason preventing it. The only other group that could do this is the LWV but I think there is not enough time to get their approval. Do we need to do this at all? I really need candid feedback.

I would not go forward with any printing until Tuesday in any case and hopefully we will all have a chance for input by then.

Have a good weekend. Thanks for all your support.

Nancy

TOWNE SCHOOL HOUSING PROPOSAL POINT/COUNTERPOINT

POINT #1: Towne Building is in the middle of the school campus

COUNTERPOINT:

- Towne Building is on the very edge of the school campus
- Towne Building is closer to K-Mart than it is to any school building on the campus

POINT #2: Multi-family housing doesn't belong near schools

COUNTERPOINT:

- Multi-family housing is already near the schools
- Redstone Condominiums are 178 feet away from Damon Building
- 3 Single family homes ZONED FOR MULTI-FAMILY RESIDENCES are 150-210 feet away from Damon Building
- Towne School is 480 feet away at its nearest point

POINT #3: Towne Building occupies valuable space needed for playgrounds

COUNTERPOINT:

- Towne Building Reuse will occupy 1/2 acre
- New school bus driveway will occupy 1/4 acre
- Towne Building space is over 500 feet away from the Damon Building and completely OUT OF SIGHT FROM IT
- Safety issues for any plan to send children to recess in such a remote area at the intersection of 2 very busy roads, Mass. Ave. and Charter Rd.

POINT #4: Towne Building site is needed for Junior and Senior High sports playing fields

COUNTERPOINT:

- What sports could be comfortably sited here on that same busy intersection?
- Where would the spectators park? Where would the bleachers be placed?
- How high would the fences have to be to contain the balls from any of the sports?
- Is there a budget for these proposed uses?

POINT #5: Affordable housing is a goal we support **BUT NOT HERE?**

- **WHERE THEN?**
- Have we now gone from **NIMBY** (Not in My BackYard) to **BANANA** (Build Absolutely Nothing Anywhere Near Anyone)?

**VOTE NO TO DEMOLISHING TOWNE SCHOOL.
SAY YES TO AFFORDABLE HOUSING.**

SPECIAL TOWN MEETING, APRIL 2, 2002:

TOWNE SCHOOL MYTHS & FACTS

All of the following arguments have been made by advocates of the demolition of the Towne School over the past year. Please consider:

MYTH: The Towne School is an insignificant 20th-century building.

FACT: The Towne School, built in 1925 as Acton's first high school, is highly significant to our town as a representative of Acton's community life and culture in the early part of the twentieth century. Standing at the entrance to the central school campus, it anchors in both time and space the rest of the school buildings which were constructed in successively later eras. It is the only large masonry structure of its period in town, and is an excellent example of scholastic colonial revival architecture. For these reasons and more, the Massachusetts Historical Commission (MHC) has recently found the building eligible for listing on the National Register of Historic Places.

MYTH: The Towne School's condition makes it an unlikely candidate for reuse.

FACT: The deteriorated roof, antiquated mechanical systems, etc., are not unusual in buildings of its type and age. Across Massachusetts, school buildings with these kinds of problems have been successfully rehabilitated and converted to new, viable uses. Far from being worth saving just for sentimental reasons, the design of these 1920s schools actually makes them more adaptable than other types of buildings.

MYTH: A playing field on the Towne School site will provide needed play space for children in the new Parker Damon Building.

FACT: As shown in the schools' own 2001 publicized landscape plans, the area required for a regulation-size playing field, which its proponents state is needed for Jr. High, High School, and town-wide sports teams, would fill virtually all the space between the planned Parker Damon bus drive and the Mass. Ave. sidewalk. That would effectively eliminate the present playground south of the McCarthy wing, and preclude the construction of a new playground. The elementary school children will actually lose play equipment for recess activities if the field is built. On the other hand, other alternatives for increasing elementary school play space are available without demolishing the Towne School. The area the Towne building occupies is too remote and difficult to access to be of use for recess.

MYTH: The Towne School is too small to provide any significant amount of affordable housing.

FACT: While some demolition proponents have claimed that there would only be 3-6 affordable housing units in the building, the feasibility

study funded by the Mass. Housing Partnership has determined that it could comfortably accommodate a total of 19 units, at least 50% of which would be affordable..

MYTH: Constrictions placed on the building by local preservation boards and the Mass. Historical Commission will make it difficult to rehab the building, and will force parking onto the present playground.

FACT: National Register status or eligibility do not dictate what changes can be made to the building, nor do they restrict how a property can be used. On the contrary, National Register listing makes a property eligible for various state- and federally-assisted funding programs, including a 20% preservation tax credit on the building's rehab., even if the building remains under town ownership.

MYTH: The State School Building Assistance Board will reimburse the town for a substantial amount of the cost of demolition.

FACT: The SBAB must take into account the advice and comment of other state agencies. MHC must review any changes to state-funded school construction. If they find that a change will have an adverse effect on a historically significant structure, they will work with the SBAB to minimize or eliminate that effect. The SBAB does not usually provide funds to demolish a structure that the MHC has found historically significant. Not only is it likely that our tax dollars would have to pay the full cost of the demolition, tearing down the Towne School would mean the permanent loss of a major real estate asset of substantial value to the town.

MYTH: Housing, especially affordable housing is inappropriate so close to the schools.

FACT: The existing Redstone Townhouses are twice as close to the Damon Parker School than the Towne Building is. Under State guidelines and the proposed ACHC plan 85% of Acton's town staff would qualify for residence, including many of our teachers and their families.

MYTH: The quality of our children's education depends on the demolition of the Towne Building.

FACT: Regardless of its use the proposed demolition of the Towne Building has nothing to do with the "quality" of our schools. Indeed the Towne Building's preservation will serve to demonstrate to our children that we treasure our rich architectural heritage and refuse to "throw-away" when we can reuse.

PLEASE VOTE NO AT THE SPECIAL TOWN MEETING!

Housing Acton's Working Families

ACHC - Who we are

Nancy Tavernier, Chair

Betty McManus*, Clerk

Dan Buckley*

Kevin McManus

Bob Whittlesey*

Associate Members:

Pam Shuttle

Ryan Bettez*

Peter Berry*

Trisha Guditz*

*Current or past professional involvement in affordable housing

Housing Acton's Working Families

ACHC HISTORY

**17 YEARS - ADVOCATING FOR
AFFORDABLE HOUSING**

1986 - 2002

Selectmen appointed town board

Housing Acton's Working Families

State Affordable Housing Mandate

- Chapter 40B
- Executive Order 418
- State Goal - 10%
- Acton - 2.07%

Housing Acton's Working Families

General Definition of "Affordable" Housing

- 30% of household income for housing costs
- Median income - Boston area \$74,200
- 30% of median = \$1855/mo. for housing

Housing Acton's Working Families

What can current Acton families buy?

■ 2001 Median Income Acton	\$ 95,000
■ 2001 Affordable House	\$271,743
■ 2001 Median priced home	\$435,000
■ 2001 Income req. for purchase	\$152,000

Housing Acton's Working Families

Real People

Who will occupy the Towne affordable units?

Local Preference 70% of Affordable Units:

- town, school, water district employee
- child or parent of Acton resident
- employee working in Acton private sector

Housing Acton's Working Families

MA Definition of "Affordable" Housing

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Affordable = 60-80% of Median income
(low or moderate)

Income range - \$44,000 - \$59,000
(1-4 persons)

Housing Acton's Working Families

Real People

Who is Income Eligible?

Starting teacher salary	\$33,000
Average teacher salary	\$49,000
Non-professional town employees	\$22,000-\$40,000
Professional town employees	\$28,000-\$85,000

Housing Acton's Working Families

Real People

83%

Of ALL town and local school
employees

Earn LESS than \$50,000

Housing Acton's Working Families

Towne School Housing Reuse Proposal

- Study finds housing reuse **FEASIBLE**
- Reuse at **NO COST** to the town
- Reuse will generate **NEW** tax revenue
- **CONSISTENT** with adjacent zoning

Deter Ashton has already described the

Housing Acton's Working Families

Towne School Housing Reuse Proposal

- xx Units
- x 1 BR, x 2 BR, x 3BR, x handicapped
 - %-age affordable, market
- xxx affordable rents, xxx market rents
 - affordable income range xxxxxx

Housing Acton's Working Families

Towne School Housing Reuse Proposal

Floor Plan

Housing Acton's Working Families

Towne School Housing Reuse Proposal

Site Plan

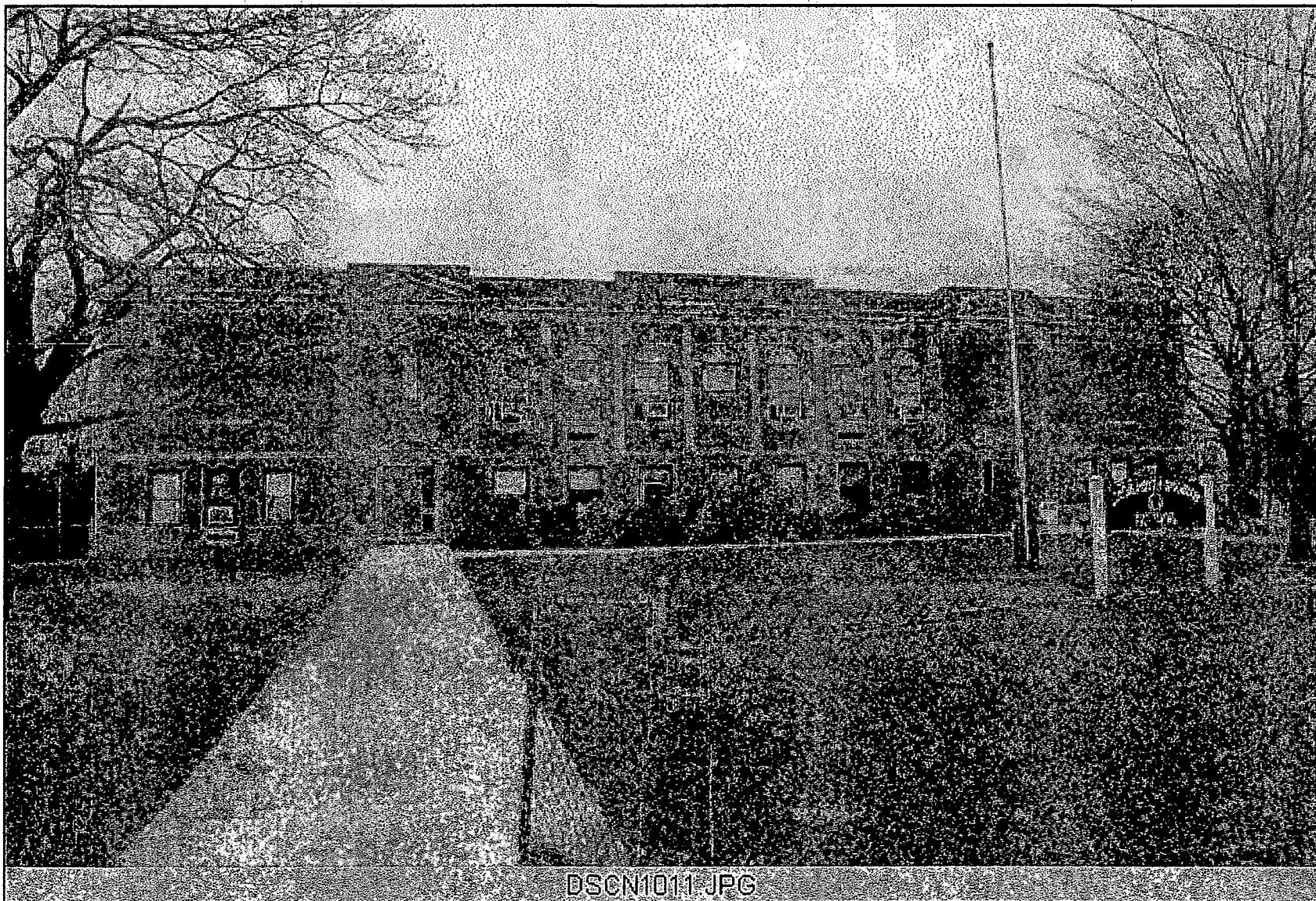
Housing Acton's Working Families

It's all about COMMUNITY

Vote NO to demolish Towne School

Say YES to Affordable Housing

Towne School “Revisited”



DSCN1011.JPG

Towne School “Revisited”

- Selectmen voted unanimously NOT to recommend this citizens’ petition
- Review the process
 - Town Meeting voted last year to preserve the building and give it to Selectmen to find reuse
 - Constraints placed on reuse:
 - Maintain façade, comply with zoning options
 - NO taxpayer dollars
 - Maximize play space, minimize traffic, parking impacts
 - Keep the land
 - OMR Site Option Review

Towne School “Revisited”

- Reuse Committee formed:
 - Board of Selectmen
 - School Committee
 - Finance Committee
 - Planning Board
 - Historical Commission
 - Historical District Commission
 - Housing Authority
 - Acton Community Housing Committee
 - Recreation
 - Cultural Council
 - Transportation Advisory Committee

Towne School “Revisited”

- Reuse Committee met several times
- Various options considered:
 - affordable housing
 - arts center
 - office space
 - recreation center
 - others
- Two options considered in detail
- Reuse Committee *unanimously* recommended affordable housing as the best and only reuse

Towne School “Revisited”

- Arts center didn’t work for four reasons:
 - 1 Developer unwilling to pay infrastructure costs
 - 2 Greater impact on lot in terms of parking, traffic, encroachment on Parker Damon play space
 - 3 Zoning constraints
 - 4 Developer unwilling to compete against affordable housing
- Affordable housing was recommended to Selectmen as best reuse by Reuse Committee

Towne School “Revisited”

- Selectmen oppose this petition:
 - Proposed article costs us money
 - Gives us the opportunity to preserve a well-loved building - nothing has changed except a viable reuse has now been found
 - Affordable housing is greatly needed in Acton
 - Feasibility study shows that it can work

Towne School “Revisited”



Local Preference Guidelines

Established by Acton Community Housing Corporation

Local preference is given to people who meet one or more of the following criteria:

1. Employed by the Town of Acton, Acton-Boxborough Regional School District or Acton Water District
2. Current Acton Resident
3. Child of Current Acton Resident
4. Employee Working in Acton

IN ALL CASES APPLICANTS MUST BE A FIRST TIME HOMEBUYER!!

Acton Housing Authority

From: Tavernier [tavern@ma.ultranet.com]
Sent: Wednesday, March 27, 2002 11:24 AM
To: Nancy Tavernier; Kevin McManus; Betty McManus; Dan Buckley; Peter Berry; Bob Whittlesey; Ryan Bettez; Trisha Gudit; Katrina Buck
Subject: Draft presentation



Town Meeting ATT00022.txt (59
overheads 4-02.doc... B)

I have copied a power point presentation draft into a word document and attached it here. If you have powerpoint on your system, let me know, and I will send the actual draft slides. Each slide has the heading "Housing Acton's Working Families" so you can tell where the breaks between slides are.

All of this is open for editing including the heading title. I need to have this draft for the Moderator's meeting tonight but we will discuss it thoroughly tomorrow night at the ACHC meeting. Please jot down ideas you have for making the slides better and for talking points to them.

Thanks.
Nancy

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Housing Acton's Working Families

Towne School Housing Reuse Proposal

Floor Plan

Housing Acton's Working Families
Towne School Housing Reuse Proposal

Site Plan

Housing Acton's Working Families
It's all about COMMUNITY

Vote NO to demolish Towne School

Say YES to Affordable Housing

Acton Housing Authority

From: Tavernier [tavern@ma.ultranet.com]
Sent: Monday, April 01, 2002 12:49 PM
To: Nancy Tavernier; Kevin McManus; Betty McManus; Dan Buckley; Peter Berry; Bob Whittlesey; Ryan Bettez; Trisha Guditz; Katrina Buck
Cc: Anne Forbes
Subject: strategy update

Betty and I attended the Stakeholder's meeting this morning organized by Peter Ashton. The people in attendance were Peter, Don Johnson, John Murray, Amy Upham (the petitioner) Jonathan Chinitz, Jo-Ann Berry, Anne Forbes and Bill Ryan.

It appears the current strategic plan for the prononents of demolition is the following:

Town Counsel has ruled that the motion can be amended to remove the land transfer piece which is what mandated the 2/3's vote. The vote to amend is by majority. If that is successful, then the main motion to demolish and appropriate will only require a majority vote. The land would then stay in control of the town and would not be eligible for SBAB reimbursement of 62%. That means the town would have to fund the entire cost from Free cash, projected to be \$250,000.

If this scenario takes place and the vote to demolish is successful, the BoS will then be put in a position of being held hostage to not only fund but to champion the demolition of something they do not support. It will be a terrible position for them to placed in.

A few important points I want to make:

1. The first vote that might be proposed is for a secret ballot, that has to be made before the main motion is placed on the floor. That will be at 7PM. We believe a secret ballot would benefit our position but we will not make that motion. We do not want to be in this parliamentary maneuver game. Frankly, if we cannot get a majority vote, I will be very disappointed. The amendment vote will be a major test of the main vote that will come after the debate.
2. After the main motion is made by the petitioner, there could be an immediate amendment to remove the land transfer. This vote could come by 7:10PM depending on whether or not there was a lot of discussion on the secret ballot and it could be by secret ballot itself.
3. PLAN TO BE THERE AND TELL OTHERS TO BE THERE FOR THE 7pm START OF THE MEETING.
4. If the vote to amend passes, that means the entire funding for the demolition will come out of free cash. It is essential that the FinCom be made accountable for this, to be consistent with their current distate for free cash usage, they should OPPOSE the petition. Those of you attending tonight should watch carefully.
5. If the vote to amend passes, you will see a great deal of anger from the BoS. It will become an issue for finances then, pure and simple.

What this will do to future relations between the BoS and SC, I can only imagine and shudder about.

If this whole misguided effort is not the best argument against government by petition, I don't know of another.

LETTERS

needs some help

ge is a recent widow who not drive. For some reason not understand, she has experienced difficulty in collecting her husband's social security. This has caused her some financial despair. She is behind by one month's rent and we would like to advance her money to pay this rent. Of course, we depend on the generosity of the people of Foxborough. Whenever I advertise for financial help for needy in our community, always come to our aid. If you personally can help Marge by making a donation on her behalf, I would appreciate your contribution, earmarked for her to: A Friend in Need, c/o South Acton Congregational Church 35 School St., Acton, MA 01720. Marge is, otherwise, in good health. She hopes to find a job in the near future, but the long walking distance of her home and her lack of her social security problem. She then feels that her life will be manageable and for this I am grateful. Any help you can give her will be appreciated. Bless your generosity.

A Friend in Need
Acton

People need place to live

It was OK to preserve the Towne school building for artists' studios or some other undefined community use, but propose conversion to affordable housing and somebody starts a petition drive to have it torn down. Sure, the schools could always use another playground, or perhaps a parking lot, but don't people need a place to live even more? Or is it the word "affordable" that pushes people's panic buttons?

If we make a six-figure salary the price of admission to life in Acton, pretty soon all of the people that make things work have to commute here from someplace else. And any time a developer wants to do an end run around our Planning Board, they can point to our non-compliance with Massachusetts' anti-snob-zoning law. Chapter 40B has a goal of 10 percent affordable housing. In 1990 Acton had a little over 4 percent and since then it has drifted down to less than 3 percent. Converting the Towne building to affordable housing won't bring us to 10 percent, but it's a step in the right direction. Let's do the right thing.

Dennis J. Ahern
Central Street
West Acton

A rift-widening issue

Often there seems to be a rift between old Acton and new, between school and town, and the Towne building's future seems to be one of those rift-widening issues. I believe that tearing down the Towne building for a few feet of grass won't help anyone.

Historically, the Towne building means a lot to many people, indeed on the last go around, one lifetime Actonian vowed to "squat" in the building to prevent its demise.

Ms. Upham, please don't make people take sides on this issue again. Or, as my kids would say "Give It Up!"

Lesley C. Kadlec
Paul Revere Road
Acton

Clean elections candidate

There is a clear reason that *The Beacon* articles about Clean Elections mention James Eldridge so frequently. He is the only candidate in the 37th Middlesex District state Representative race to qualify as a Clean Elections candidate as well as the first, and currently, only legislative candidate in the Commonwealth's history to qualify for this measure. While

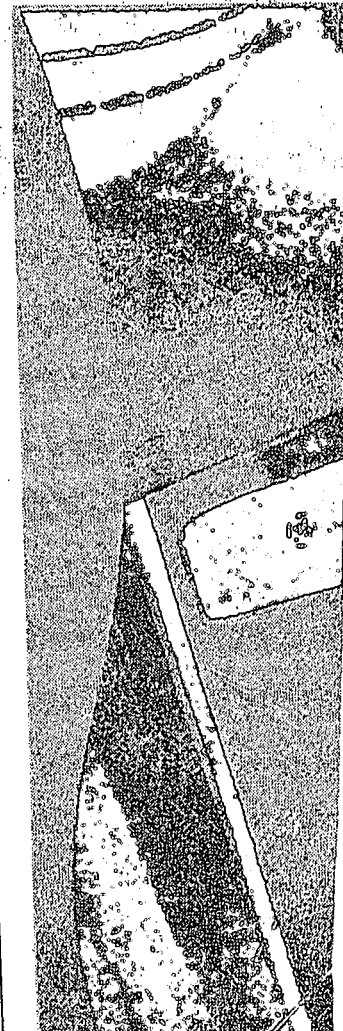
the other four candidates in the race have expressed their support for Clean Elections type measures, none of them are running as Clean Elections candidates.

In addition, James played an important role in helping pass the Clean Elections law, serving as a volunteer for the referendum in 1998, and taking a leadership position as the state Senate coordinator in Pam Resor's Senate district to convince legislators to fund the law.

James should be commended for his unwavering commitment to this important issue, and for supporting this type of reform legislation that is geared towards changing the undemocratic nature of the Massachusetts House of Representatives.

Nirupam Sinha
Pine Pasture Run
Foxborough

Announcing dishwashers



SkiMarket

underground

ANNUAL CLEARANCE SALE

FEB 7-18 ONLY

20% OFF

ON SKIS, SNOWBOARDS, BOOTS, BINDINGS, AND SNOWSHOES

WES

ANS

3

ALL

20%

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SWEDEN

Car Racks

HELMET SPECIALS

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Acton Housing Authority

From: Tavernier [tavern@ma.ultranet.com]
Sent: Thursday, April 04, 2002 10:01 AM
To: rfarrell@mhpfund.com; awong@mhpfund.com
Cc: aha1@attglobal.net
Subject: moving on....

Hi Rita and Alice,

I am still on that Town Meeting high! It was just so wonderful, I am really proud of the town. The debate was one of the finest we have ever had. Betty passed on to me your request for a tape, great idea. That way I can see it too. I was so wired by the time the FinCom rep spoke that I really tuned him out and would love to see that part especially. I have made the request and there should be no problem getting it.

On another point, the land lease. The Town Treasurer mentioned to me that he is concerned about the state law that limits municipal leases to 10 years and how this would be factored into the plan. I thought it would not be too early to start researching that question if you could please. Knowing that similar projects with land leases exist, there must be a way to do it.

I am so pleased that Rita and Ed could be there Tuesday night, it would have been the frosting on the cake to have Alice too but perhaps the tape will be a good substitute.

Thanks so much for your support.

Nancy

Acton Housing Authority

From: Robert B. Whittlesey [rbwhittlesey@earthlink.net]
Sent: Thursday, April 04, 2002 11:36 AM
To: 'Tavernier'; Kevin McManus; Betty McManus; Dan Buckley; Peter Berry; Ryan Bettez; Trisha Guditz; Katrina Buck
Subject: RE: one more

Good idea, seems fine. I will draft a letter for our next meeting that we should write to MHP

-----Original Message-----

From: Tavernier [SMTP:tavern@ma.ultranet.com]
Sent: Thursday, April 04, 2002 9:37 AM
To: Nancy Tavernier; Kevin McManus; Betty McManus; Dan Buckley; Peter Berry; Bob Whittlesey; Ryan Bettez; Trisha Guditz; Katrina Buck
Subject: one more

Just one more assignment today, I promise!

Please review the draft letter to the editor below and give me comments by Friday. If you have edits just put them in using CAPS and reply.

Thanks.

To the Editor:

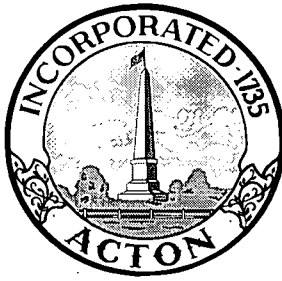
The members of the Acton Community Housing Corporation wish to give a HUGE thank you to the town meeting voters who gave overwhelming support to our proposal to reuse the Towne School building for affordable housing. We were pleased to have an opportunity to carefully explain the affordable housing issue and how it relates to our community.

Our conceptual plan for 19 units is an exciting one. It will be the crown jewel of the Kelley's Corner area. There is much work to be done to bring this to fruition but our batteries have been recharged by the voters' enthusiasm and we are ready to meet the challenge.

Acton is a special place and as the author of the feasibility study Ed Marchant concluded: "Very few locally supported mixed-income developments offering quality family housing have been proposed in higher income suburban communities such as Acton. As such, the reuse of the Towne School will enjoy a competitive advantage, in that subsidizing agencies and lenders welcome the opportunity to reward local initiatives that will produce family affordable housing."

Thank you Acton.

Nancy Tavernier, Chair
ACHC



TOWN OF ACTON

P.O. Box 681
Acton, Massachusetts, 01720
Telephone (978) 263-4776
Fax (978) 266-1408

Acton Community Housing Corporation
Nancy E. Tavernier, Chair

TO: Board of Selectmen
FROM: ACHC
SUBJECT: Warrant article needed for STM
DATE: August 12, 2002

ACHC would like to request a warrant article be added to the STM Warrant for October 15, 2002. This warrant article would give the Board of Selectmen the authority to negotiate a lease for a period greater than the 10 years currently allowed through state law. While the terms for the lease of the Towne School and land are not yet set, the lease period will be at least 40 years. This detail should be known in time for the motion at town meeting. We are currently awaiting a generic ground lease from MHP that we hope can be adapted to cover both the land and the building. This lease is a key component for the RFP that ACHC is preparing.

Last April, John Murray brought to ACHC's and MHP's attention that this authorization was required by law after he had consulted with Steve Anderson. This would require a majority vote at town meeting. It is not clear to me whether a blanket permission can be given for any leasing activities greater than 10 years or whether this will be for only this proposed lease.

ACHC is currently working on the RFP and had hoped to release it by early Fall. We have been advised by MHP that this issue of lease authorization should be resolved first so that no issues cloud the RFP that could make potential developers uneasy about expending time and effort to respond. We agree that it would be to our advantage to have this issue behind us so that we can release the RFP as soon after Oct. 15 as possible.

I realize the Board had hoped to keep this a one-issue town meeting. We would not expect our warrant article to generate major constituencies on either side of the issue since to deny the Selectmen the authority to rent the building, denies the town a viable reuse and therefore creates a blemish on the school campus that would not serve anyone's best interests. I would expect this article to be presented by the Selectmen.

ACHC thanks you for your continuing support.

10/15/02 STM
ARTICLE 2 SUMMARY

The School Committee determined that the Towne School Building and surrounding land was no longer needed for educational purposes and requested, through Article 38 of the April 2001 Annual Town Meeting, that this building and land be transferred to the Board of Selectmen. Town Meeting agreed and approved the requested transfer. Through a lengthy, inclusive process, the Selectmen subsequently determined the best reuse option for the facility to be Affordable Housing. The Board, in conjunction with the School Committee, also determined that the Affordable Housing option should be pursued via a long term lease arrangement for the property, rather than disposal by outright sale. Utilizing the lease approach, the Town will retain ownership and will have the option to renew the lease or ~~ultimately be able to~~ regain possession of this property should it be needed for school or municipal purposes ~~in the future~~ at the termination of the lease period.

Under the laws of the Commonwealth, the lease of a municipal facility for more than ten (10) years requires Legislative approval. This Article seeks the necessary Town Meeting authorization for the Board of Selectmen to petition the Legislature for the required "Home Rule Legislation" to achieve the longer lease term.

Acton Housing Authority

From: "Nancy Tavernier" <ntavern@rcn.com>
To: "Nancy Tavernier" <ntavern@rcn.com>; "Kevin McManus" <KevinM@NEHE.com>; "Betty McManus" <ahabetty@attglobal.net>; "Dan Buckley" <DJB01720@hotmail.com>; "Bob Whittlesey" <rbwhittlesey@earthlink.net>; "Ryan Bettez" <bettezfamilly@yahoo.com>; "Peter Berry" <pjb@dwbboston.com>; "Trisha Guditz" <Guditz@cs.com>; "Pam Shuttle" <pam.shuttle@state.ma.us>; "Katrina Buck" <ggrossi@msn.com>
Sent: Wednesday, September 25, 2002 5:45 PM
Attach: Murray 044.TowneSchArticle.doc
Subject: trouble

Dear members,

I just got off the phone with Don Johnson. Town Counsel has ruled that the long term lease authorization has to be made via Home Rule petition through the legislature. This has landed like a bombshell but actually those of us at the 9/10 meeting with Rita Farrell had heard her say that she had just discovered that the town of Bedford had found they needed a home rule petition for the rental of their town hall.

I have attached the letter from town counsel received by the town.

So what does this mean now? The Selectmen are meeting at town hall tomorrow at 7:30AM to change the existing article, which was going to require a 2/3's vote to that of a Home Rule petition which only requires a majority vote. Go figure. The problem is that this slows up the process of getting the RFP out to a crawl because we have to wait for the legislation to be filed and work its way through the system. But believe me, we are going to have all 3 of our legislators working over time on it.

I am planning to attend the BOS meeting but unless you are inclined no one else needs to come.

Nancy

9/26/02

September 26, 2002

Mr. John Murray
Assistant Town Manager
Town of Acton
472 Main Street
Acton, MA 01720

Dear John: (October Town Meeting Article 2 re Towne School)

As we discussed, the draft article you sent us raises many questions about what the Town, and specifically various Boards involved in the planning want to do, which in turn generate a variety of legal questions. Accordingly the article I am providing you attempts to retain as much flexibility as possible; it may be possible to be more specific in the vote, if the uncertainties are resolved before town meeting. The draft also reflects my resolution of the legal questions, based on certain assumptions about what is intended. I will set out my analysis first so you and the Selectmen understand it and I can modify my analysis, if the assumptions on which it is based are not correct.

The background of this article is the vote under article 38 of the April 2001 town meeting, transferring control of the Towne School building and some surrounding land to the Board of Selectmen. That vote neither specifically defines the land area involved, nor the purpose for which the land shall be used. You have told me that the School Committee and Selectmen have agreed, as the vote contemplates, about the area of land to be included. At present, the agreement is embodied in votes adopted by each Board, but the vote has not yet been reduced to a plan.

I also understand that the Board of Selectmen propose that the land and building will be leased to some entity for the construction of affordable housing and that ACHC with input from Mass Housing Partnership, is in the process of drafting an RFP for this purpose. Your draft vote proposes that the lease be for a term of 50 years with a minimum annual rent of \$ 1. In view of the uncertainty about the terms of the RFP and the responses of prospective developers, I have suggested that the Selectmen be given broad authority to set the lease terms. That gets us back to the legal questions.

Chapter 40, §15 requires a two-thirds vote when the town determines that land taken,

“otherwise than by purchase” is “no longer required for public purposes” and seeks to convey or abandon the Town’s interest in the land. My memory is that at least some of the school complex land was taken, at least formally, although I have not had an opportunity to review sources of the Town’s title recently. Section 15A requires a two third vote when the town wants to transfer land “to the same or another town board or officer for another municipal purpose.” The 1991 vote was adopted under § 15A, but as noted above, did not specify an alternative purpose. I think, however, that the section requires a town meeting vote determining the new purpose and that vote, aside from the next point, should be by a two thirds vote.

In Harris v. Town of Wayland, 392 Mass. 237, 242-243 (1984) the Supreme Court held that a transfer from the school committee to the selectmen for the purpose of constructing affordable housing required a two-thirds vote under §15A. A 1989 amendment of §15A, presumably in response to the Harris decision, provides that a transfer for the purpose of constructing low and moderate income housing requires only a majority vote, provided the Town has accepted the new statute. This may be the provision to which Nancy Tavernier alluded, but I have no recollection that the Town ever accepted the statute, so a two-thirds vote would be required even for this purpose.

In addition it can be argued that the new paragraph only applies when the town is itself constructing the housing. Here it apparently proposing to enter into a long term lease with a developer. Although such a lease is not strictly speaking a conveyance, it has much of the practical effect of a conveyance – namely it surrenders town control of the land and building for an extended period. I think that in these circumstances, a two thirds vote is required by §15A. In that connection I note that the Harris decision explained the relationship between § 15A and G.L. c.40, § 3, which among other things authorizes the sale or conveyance of land by deed of the Selectmen. The court said that the sale of land is a new municipal purpose under § 15A and requires a two-thirds vote before the selectmen can execute the deed.

Chapter 40, § 3 also authorizes the town, acting through its board of selectmen to lease land “for not more than 10 years.” If what is being proposed is a long term lease (and I believe a developer would insist on a lease for more than 10 years, as would the various requirements applicable to affordable housing programs), I think a vote under § 15A is required under the Harris case, because such a lease is for a new and different municipal purpose or, perhaps more accurately, prevents the town from using it for any other purpose during the term of the lease. See Cranberry Growers Service, Inc. v. Duxbury, 415 Mass. 354, 355-356 (1993)(town meeting vote required to authorize lease of land for 10 years, renewable for another 10, for growing cranberries)

Finally, many counsels believe that a long term lease (any term longer than 10 years) requires special legislation. The fact that the *sale* of land requires only a two-third vote to authorize the selectmen to act is a pretty persuasive argument to the contrary. Nevertheless, towns routinely seek and obtain such legislation (for example, St. 1999, c. 179 (lease for 95 years by Brookline to hotel developer); St. 2002, c. 67 (lease for 30 years by Medfield to private entity to construct animal shelter) and I think the safer course, and possibly one that would be required

by counsel for any prospective developer, is to obtain such legislation.

Such legislation can be requested by a majority vote, and the legislation could be drafted to permit the Selectmen to act under the legislation, without any further town meeting action. It is possible that legislative counsel would object to such a request, on the ground that it was designed to get around the two-thirds vote requirement. Any such objection could probably be avoided if the town meeting vote requesting the legislation was adopted by a two thirds vote and provided explicitly that no further action by town meeting was required. Nevertheless, as you know, once a request for home rule legislation is sent to the General Court, no one can be guarantee exactly what will come back.

In summary, I have drafted the article to provide for a home rule request and given the Selectmen broad authority to set the terms of any lease to a developer, without further town meeting action. Based on our discussion today, however, I have limited the Selectmen's authority with respect to the term of the lease to a maximum of 50 years. I note that a change to a longer period on town meeting floor would raise a question about the scope of the article, but a reduction in the term would not. I leave it up to the Selectmen how they want to deal with this issue. My draft article follows:

To see if the Town will petition the General Court to adopt a home rule act authorizing the Board of Selectmen to lease, for a term of up to 50 years, the historic Towne School building and so much land surrounding and providing access to it as has been agreed by the School Committee and Board of Selectmen, for the purpose of preserving the building and rehabilitating it for low and moderate income housing, upon such terms and conditions as the Board of Selectmen may determine, in substantially the form set forth below:

BE IT ENACTED etc:

Section 1. The Town of Acton is hereby authorized to lease the historic Towne School building and so much land surrounding and providing access to the building as is set forth in the votes of the School Committee and the Board of Selectmen, for a term of not more than 50 years, for the purpose of preserving the building and adapting it for residential use, including but not limited to low and moderate income housing use.

Section 2. Notwithstanding any other provisions of law, including General Laws 30B, the Board of Selectmen are authorized to issue a request for proposals for such purposes, to determine the terms and conditions of such request, to accept any proposal or negotiate changes in any proposal, or to reject all proposals, as they determine to be in the best interests of the Town, and to take all others actions as may be necessary or desirable to carry out such project.

Section 3. This act shall take effect upon its passage.

John Murray
September 26, 2002
Page 4

If you have any further questions about all this, which I anticipate, please let me know as soon as they arise and I will be happy to try to answer them and make any changes in the article or vote that may be necessary.

Very truly yours,

Acheson H. Callaghan

c: Steve Anderson by email

AHC:sy

act/gen/l/Murray 044.TowneSchArticle.wpd

ANDERSON & KREIGER LLP

ACHESON H. CALLAGHAN
acallaghan@andersonkreiger.com

September 24, 2002

By Fax 978-264-9630

Mr. John Murray
Assistant Town Manager
Town of Acton
472 Main Street
Acton, MA 01720

Dear John: (October Town Meeting Article 2 re Towne School)

As we discussed, the draft article you sent us raises many questions about what the Town, and specifically various Boards involved in the planning want to do, which in turn generate a variety of legal questions. Accordingly the article I am providing you attempts to retain as much flexibility as possible; it may be possible to be more specific in the vote, if the uncertainties are resolved before town meeting. The draft also reflects my resolution of the legal questions, based on certain assumptions about what is intended. I will set out my analysis first so you and the Selectmen understand it and I can modify my analysis, if the assumptions on which it is based are not correct.

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Chapter 40, §15 requires a two-thirds vote when the town determines that land taken, "otherwise than by purchase" is "no longer required for public purposes" and seeks to convey or

John Murray
September 24, 2002
Page 2

abandon the Town's interest in the land. My memory is that at least some of the school complex land was taken, at least formally, although I have not had an opportunity to review sources of the Town's title recently. Section 15A requires a two third vote when the town wants to transfer land "to the same or another town board or officer for another municipal purpose." The 1991 vote was adopted under § 15A, but as noted above, did not specify an alternative purpose. I think, however, that the section requires a town meeting vote determining the new purpose and that vote, aside from the next point, should be by a two thirds vote.

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John Murray
September 24, 2002
Page 3

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BE IT ENACTED etc:

Section 1. The Town of Acton is hereby authorized to lease the historic Towne School building and so much land surrounding and providing access to the building as is set forth in the votes of the School Committee and the Board of Selectmen, for a term of not more than 50 years, for the purpose of preserving the building and adapting it for residential use, including but not limited to low and moderate income housing use.

Section 2. Notwithstanding any other provisions of law, including General Laws 30B, the Board of Selectmen are authorized to issue a request for proposals for such purposes, to determine the terms and conditions of such request, to accept any proposal or negotiate changes

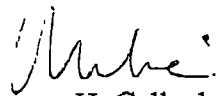
John Murray
September 24, 2002
Page 4

in any proposal, or to reject all proposals, as they determine to be in the best interests of the Town, and to take all others actions as may be necessary or desirable to carry out such project.

Section 3. This act shall take effect upon its passage.

If you have any further questions about all this, which I anticipate, please let me know as soon as they arise and I will be happy to try to answer them and make any changes in the article or vote that may be necessary.

Very truly yours,


Acheson H. Callaghan

c: Steve Anderson by email

AHC:sy

act/gcn//Murray 044.TowneSchArticle.wpd

Direct Inquiries to: William Shupert or F. Doré Hunter, Board of Selectmen
E-mail Address: bos@town.acton.ma.us
Selectmen Assigned: William Shupert and F. Doré Hunter

RECOMMENDATIONS:

Selectmen: Recommended

Finance Committee: Recommended

ARTICLE 2 Home Rule Petition to the General Court concerning the Towne School Building
(Majority Vote Required)

To see if the Town will petition the General Court to adopt a home rule act authorizing the Board of Selectmen to lease, for a term of up to 50 years, the historic Towne School building and so much land surrounding and providing access to it as has been agreed by the School Committee and Board of Selectmen, for the purpose of preserving the building and rehabilitating it for low and moderate income housing, upon such terms and conditions as the Board of Selectmen may determine, in substantially the form set forth below:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. The Town of Acton is hereby authorized to lease the historic Towne School building and so much land surrounding and providing access to the building as is set forth in the votes of the School Committee and the Board of Selectmen, for a term of not more than 50 years, for the purpose of preserving the building and adapting it for residential use, including but not limited to low and moderate income housing use.

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Section 3. This act shall take effect upon its passage.

SUMMARY

The School Committee determined that the Towne School Building and surrounding land was no longer needed for educational purposes and requested, through Article 38 of the April 2001 Annual Town Meeting, that this building and land be transferred to the Board of Selectmen. Town Meeting agreed and approved the requested transfer. Through a lengthy, inclusive process, the Selectmen subsequently determined the best reuse option for the facility to be Affordable Housing. The Board, in conjunction with the School Committee, also determined that the Affordable Housing option should be pursued via a long-term lease arrangement for the property, rather than disposal by outright sale. Utilizing the lease approach, the Town will retain ownership and will have the option to renew the lease or to regain possession of this property

should it be needed for school or municipal purposes at the termination of the lease period.

Under the laws of the Commonwealth, the lease of a municipal facility for more than ten (10) years requires Legislative approval. This Article seeks the necessary Town Meeting authorization for the Board of Selectmen to petition the Legislature for the required "Home Rule Legislation" to achieve the longer lease term.

Direct Inquiries to: Peter Ashton, Board of Selectmen
E-mail Address: bos@town.acton.ma.us
Selectmen Assigned: Peter Ashton

RECOMMENDATIONS

Selectmen: Recommended

Finance Committee: Recommended

And you are directed to serve this Warrant by posting attested copies thereof fourteen days at least before the time of said meeting, in not less than six public places in Town, to be designated by the Board of Selectmen.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time of meeting aforesaid.

Given under our hands at Acton this 26th day of September 2002.

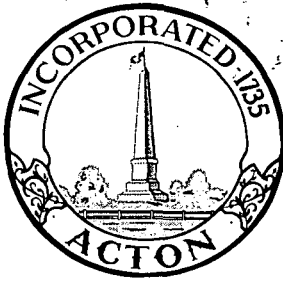
**William H. Shupert, III
Walter H. Foster
Pamela Harting-Barrat
F. Doré Hunter
Peter K. Ashton
BOARD OF SELECTMEN**

A TRUE COPY ATTEST

CONSTABLE OF ACTON

BULK RATE US POSTAGE PAID PERMIT #67 ACTON, MA 01720

**POSTAL PATRON
ACTON, MA 01720**



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9615
Fax (978) 264-9630

Town Clerk

Senator Pamela Resor
State House Senate Wing
Room 413F
Boston, Massachusetts 02133

Subject: Petition for Home Rule Act

Date: October 16, 2002


Dear Senator Resor

At the Special Town Meeting held October 15, 2002, the Citizen of the Town of Acton authorized the Board of Selectmen to petition the General Court to enact Act authorizing the Board of Selectmen of Acton to lease for a term of up to 50 years, the Towne School building and land as described in the attached article.

Two certified copies of this article are attached for your reference.

Thank you

Yours truly


Edward J. Ellis
Town Clerk

Cc: Don Johnson, Town Manager
A. Callaghan, Anderson & Krieger
✓ Nancy Tavernier, Acton Community Housing Corp.
Representative Cory Atkins



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9615
Fax (978) 264-9630

Town Clerk
Edward J. Ellis

EXCERPT SPECIAL TOWN MEETING HELD OCTOBER 15, 2002
AT 7:00 PM, AT THE ACTON-BOXBOROUGH HIGH SCHOOL AUDITORIUM

Number of Registered voters attending Town Meeting 360

ARTICLE 2 Home Rule Petition to the General Court concerning the Towne School Building
(Majority Vote Required)

To see if the Town will petition the General Court to adopt a home rule act authorizing the Board of Selectmen to lease, for a term of up to 50 years, the historic Towne School building and so much land surrounding and providing access to it as has been agreed by the School Committee and Board of Selectmen, for the purpose of preserving the building and rehabilitating it for low and moderate income housing, upon such terms and conditions as the Board of Selectmen may determine, in substantially the form set forth below:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. The Town of Acton is hereby authorized to lease the historic Towne School building and so much land surrounding and providing access to the building as is set forth in the votes of the School Committee and the Board of Selectmen, for a term of not more than 50 years, for the purpose of preserving the building and adapting it for residential use, including but not limited to low and moderate income housing use.

Section 2. Notwithstanding any other provisions of law, including General Laws Chapter 30B, the Board of Selectmen is authorized to issue a request for proposals for such purposes, to determine the terms and conditions of such request, to accept any proposal or negotiate changes in any proposal, or to reject all proposals, as they determine to be in the best interests of the Town, and to take all others actions as may be necessary or desirable to carry out such project.

Section 3. This act shall take effect upon its passage.

MOTION:

Mr. Ashton moves the Town to petition the General Court to adopt a home rule act in substantially the form set forth below:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. The Town of Acton is hereby authorized to lease the historic Towne School building and so much land surrounding and providing access to the building as is set forth in the votes of the School Committee and the Board of Selectmen, for a term of not more than 50 years, for the purpose of preserving the building and adapting it for residential use, including but not limited to low and moderate income housing use.

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Section 3. This act shall take effect upon its passage.

VOTE

Yes 165

No 3

MOTION CARRIES

A True Copy. Attest:
Edward J. Ellis
TOWN CLERK ACTON, MASS.

STM Oct. 15, 2002

(2) and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$6.4 million under Chapter 44 of the General Laws;

(3) and that the Town Manager is authorized to take any other action necessary to carry out this project, including but not limited to, demolition of the existing police station and applying for and accepting any governmental or private monies;

(4) provided however this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2 1/2) amounts required to pay the principal of and interest on the borrowing authorized under this article.

Motion:

Mr. Kadlec moves to amend the motion by deleting the word "\$6.4 million" in line one of section one and line two section two and replacing them with the word "\$6.0 million"

AMENDED MOTION IS LOST

ORIGINAL MOTION CARRIES

VOTE **Yes 225** **No 12**

ARTICLE 2 HOME RULE PETITION TO THE GENERAL COURT CONCERNING THE TOWNE SCHOOL BUILDING
(Majority Vote Required)

To see if the Town will petition the General Court to adopt a home rule act authorizing the Board of Selectmen to lease, for a term of up to 50 years, the historic Towne School building and so much land surrounding and providing access to it as has been agreed by the School Committee and Board of Selectmen, for the purpose of preserving the building and rehabilitating it for low and moderate income housing, upon such terms and conditions as the Board of Selectmen may determine, in substantially the form set forth below:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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Section 3. This act shall take effect upon its passage.

MOTION:

Mr. Ashton moves the Town to petition the General Court to adopt a home rule act in substantially the form set forth below:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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Section 3. This act shall take effect upon its passage.

VOTE **Yes 165** **No 3**

MOTION CARRIES

MOTION:

Mr. Shupert, Chairman of the Board of Selectmen, moves to dissolve this meeting at 9:00 PM

MOTION CARRIES UNANIMOUSLY

Tellers

William Cady - Head Teller
Anne Kadlec
Ann Chang
Brewster Conant
Carolyn Gray

Jack Whittier
Gail Sawyer
Jeff Bergart
Charles Kadlec

Chapter 487 of the Acts of 2002

AN ACT AUTHORIZING THE TOWN OF ACTON TO LEASE A CERTAIN SCHOOL BUILDING FOR RESIDENTIAL PURPOSES FOR 50 YEARS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary, the town of Acton may lease the historic town school building and so much land surrounding and providing access to the building as is set forth in the votes of the school committee and the board of selectmen, for a term of not more than 50 years, for the purpose of preserving the building and adapting it for residential use, including but not limited to low and moderate income housing use.

SECTION 2. The board of selectmen may issue a request for proposals for such purposes, to determine the terms and conditions of such request, to accept any proposal or negotiate changes in any proposal, or to reject all proposals, as it determines to be in the best interests of the town, and to take all other actions as may be necessary or desirable to carry out such project.

SECTION 3. This act shall take effect upon its passage.

Approved January 1, 2003.

Return to:

[List of Laws passed in 2002 Session](#)

[General Court home page](#), or

[Commonwealth of Massachusetts home page](#).

Chapter 157 of the Acts of 2003

AN ACT RELATIVE TO A CERTAIN PARCEL OF LAND IN THE TOWN OF IPSWICH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The board of selectmen of the town of Ipswich may sell and convey the fee or a lesser interest in the former Middle School Annex Building and a portion of the parcel of land upon which it is located, situated in the area of 25 Green street, and shown on Assessor's Map 42A, Lot 99, to the North Shore Housing Trust for the development of affordable elderly rental housing units, for a minimum consideration of \$1, together with an easement or easements for access, utilities, and vehicular parking to serve the dwelling units over the remainder portion of this town land. The board of selectmen shall determine the precise boundaries of the parcel or easements.

SECTION 2. Chapter 149 and section 38K of chapter 7 of the General Laws shall not apply to any work or improvements to the Middle School Annex building or property undertaken by a lessee of the building property.

Passed without Governor's signature, December 22, 2003.

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